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# SENATE BILL No. 49

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-14-11-4.5; IC 31-16-6-6.5.

**Synopsis:** Support for educational expenses. Provides the following with respect to support orders issued in paternity actions and dissolution of marriage actions: (1) Prohibits a court from ordering a parent to pay a child's postsecondary educational expenses in an amount that exceeds the average costs assessed by the institution of higher learning that the child attends or plans to attend. (2) Provides that if the child attends a private institution of higher learning, the court may not order the payment of educational expenses in an amount that exceeds the average costs assessed by a state supported institution offering a course of study similar to the course of study being pursued by the child at the private institution. (3) Prohibits a court from ordering the payment of postsecondary educational expenses for a child who chooses not to pursue an education at an institution of higher learning at which the child has the opportunity to receive tuition, room, and board at no cost. (4) Provides that a parent may, under certain circumstances, petition to terminate an order requiring payment of educational expenses at an institution of higher learning if the child fails to maintain at least a C grade average.

**Effective:** July 1, 2002.

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November 20, 2001, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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## SENATE BILL No. 49



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-14-11-4.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. (a) A court may not, under**  
4 **section 3(a)(1) of this chapter, order payment of a child's**  
5 **educational expenses at an institution of higher learning in an**  
6 **amount that exceeds:**

7 (1) the average costs assessed by the institution of higher  
8 learning that the child attends or plans to attend; or

9 (2) the child's actual educational expenses, if less than the  
10 average cost referred to in subdivision (1).

11 (b) If a child attends a private institution of higher learning, the  
12 court may not, under section 3(a)(1) of this chapter, order the  
13 payment of educational expenses in an amount that exceeds the  
14 average costs assessed by an Indiana state supported institution  
15 that offers a course of study similar to the course of study that the  
16 child is pursuing at the private institution of higher learning.

17 (c) A court may not, under section 3(a)(1) of this chapter, order



1 the payment of a child's postsecondary educational expenses if the  
 2 child chooses not to pursue an education at an institution of higher  
 3 learning at which the child has the opportunity to receive  
 4 instruction, room, and board at no cost.

5 (d) This subsection does not apply to:

6 (1) a child's first year of study at an institution of higher  
 7 learning; or

8 (2) any academic period in which the child experiences exigent  
 9 circumstances, such as the child's illness or the death of a  
 10 parent.

11 A child is not eligible for the court ordered payment of educational  
 12 expenses at an institution of higher learning if the child does not  
 13 maintain at least a C grade average or its equivalent following any  
 14 semester in which the child did not maintain at least a C grade  
 15 average or its equivalent. A parent may petition to terminate a  
 16 support order providing for the payment of educational expenses  
 17 if the child does not maintain a C average as described in this  
 18 subsection.

19 SECTION 2. IC 31-16-6-6.5 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 21 1, 2002]: Sec. 6.5. (a) A court may not, under section 2 of this  
 22 chapter, order payment of a child's educational expenses at an  
 23 institution of higher learning in an amount that exceeds:

24 (1) the average costs assessed by the institution of higher  
 25 learning that the child attends or plans to attend; or

26 (2) the child's actual educational expenses, if less than the  
 27 average cost referred to in subdivision (1).

28 (b) If a child attends a private institution of higher learning, the  
 29 court may not, under section 2 of this chapter, order the payment  
 30 of educational expenses in an amount that exceeds the average  
 31 costs assessed by an Indiana state supported institution that offers  
 32 a course of study similar to the course of study that the child is  
 33 pursuing at the private institution of higher learning.

34 (c) A court may not, under section 2 of this chapter, order the  
 35 payment of a child's postsecondary educational expenses if the  
 36 child chooses not to pursue an education at an institution of higher  
 37 learning at which the child has the opportunity to receive  
 38 instruction, room, and board at no cost.

39 (d) This subsection does not apply to:

40 (1) a child's first year of study at an institution of higher  
 41 learning; or

42 (2) any academic period in which the child experiences exigent

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circumstances, such as the child's illness or the death of a parent.  
**A child is not eligible for the court ordered payment of educational expenses at an institution of higher learning if the child does not maintain at least a C grade average or its equivalent following any semester in which the child did not maintain at least a C grade average or its equivalent. A parent may petition to terminate a support order providing for the payment of educational expenses if the child does not maintain a C average as described in this subsection.**

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